



Department Name: Office of the City Attorney

Fiscal Year: 2011/12

Date Prepared/Updated: 02-24-11 /03-31-11

Department Mission/Purpose Statement

"We are dedicated to providing excellent legal services, consistent with the City's goals and objectives to the Mayor, City Commissioners, City Manager, City Agencies and Committees."

Department Description

Under Article III of the City Charter, the City Attorney is the legal advisor to the City and all of its officers on matters relating to their official duties and responsibilities.

The City Attorney prepares and reviews all ordinances, resolutions, contracts, and related legal documents.

The City Attorney also prosecutes or defends complaints, suits, and controversies, when the City is a party, before State and Federal courts, Special Masters and administrative agencies.

The Office is presently composed of ten (10) full time attorneys. The support staff consists of an office manager, a legal administrator, five (5) legal secretaries, a paralegal and a receptionist (who is shared with the Mayor's Office and the Office of the City Manager).

The Office does not generally establish public policy. There is a clear separation of powers between the City Commission (Legislative), the City Manager (Executive) and the City Attorney. There are occasions, however, when the City Attorney may initiate change. For example, the Office strives to develop new and more efficient methods of providing legal services (research, computer updates, document production, continuing education). These initiatives are internal to the department.

The Office also addresses legal implications arising from proposed City action and takes steps to reduce potential legal risks or financial exposure. The City Attorney also advises the City Commission and Administration on changes in the law.

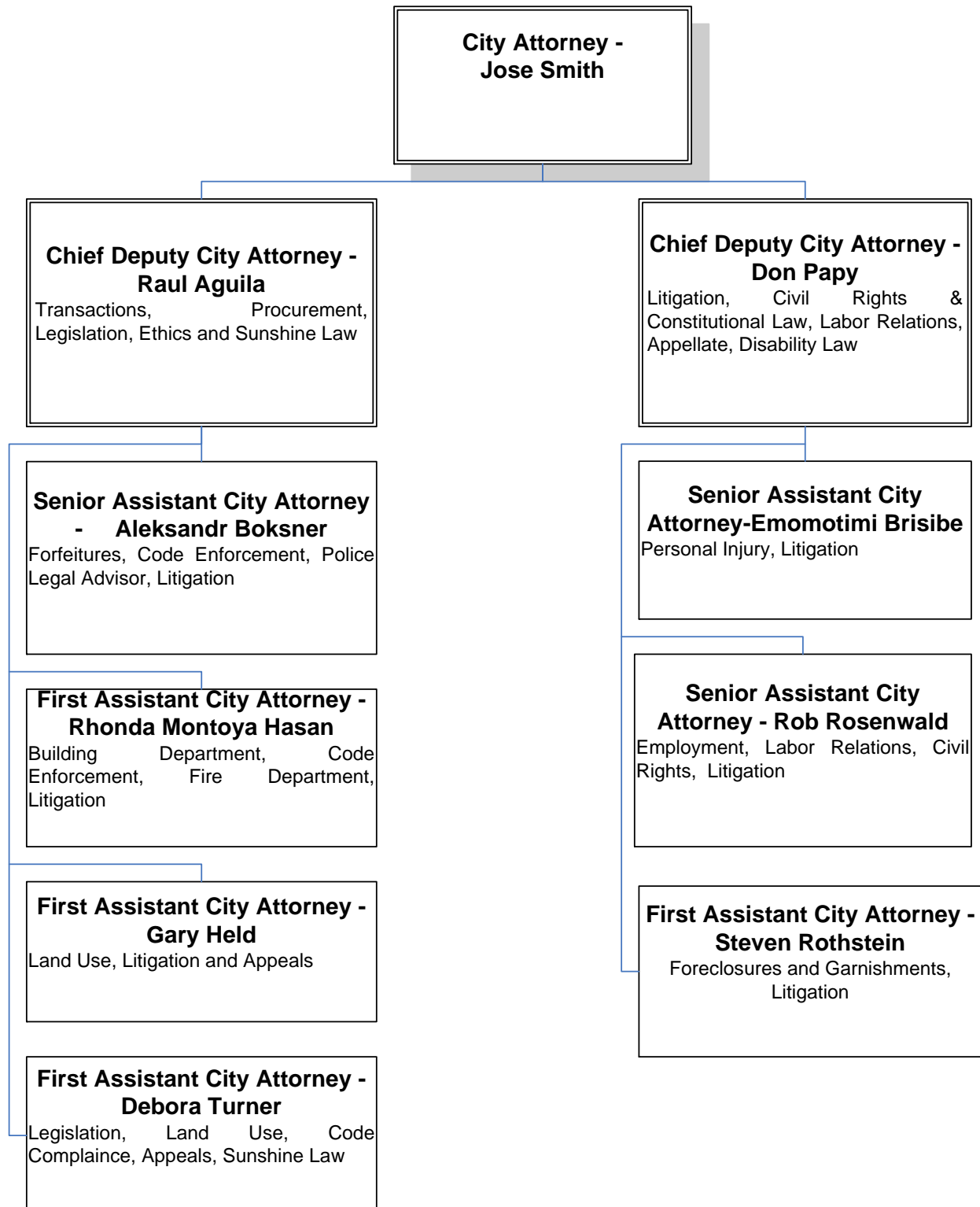
See attached Table of Organization



Department Name: Office of the City Attorney

Fiscal Year: 2011/12

Date Prepared/Updated: 02-24-11 /03-31-11





Department Name: Office of the City Attorney

Fiscal Year: 2011/12

Date Prepared/Updated: 02-24-11 /03-31-11

Fiscal Environment:

The Office of the City Attorney is primarily supported by the General Fund, which provides funding for salaries, operations, equipment and capital investments. With some exceptions, the General Fund supports un-reimbursed expenses relating to transactions and litigation. Expenses arising out of tort claims against the City are paid through the Risk Management Fund.

The general fund charges an administrative fee to enterprise fund departments, RDA and Resort Tax Fund to cover the cost of various administrative support functions provided by the general fund, including Communications functions.

Business Environment:

The City Attorney's Office resembles a medium sized law office. Its structure is designed to address and respond to policy initiatives of the City Commission and City departments and agencies.

To that end, we have developed a modified specialization structure divided into the categories of: transactions, employment, civil litigation, civil rights, constitutional issues, Police Department, Fire Department, Building Department, land use, procurement, legislative drafting, and ethics. Specialized or highly technical matters are sometimes handled by outside counsel. These may include collective bargaining, complex construction defects claims, land use litigation, municipal bonds and securities, and complex real estate transactions.



Department Name: Office of the City Attorney

Fiscal Year: 2011/12

Date Prepared/Updated: 02-24-11 /03-31-11

Significant Prior Accomplishments:

- Recovered revenues from fines imposed by the Special Master for code violations, foreclosure of city liens and civil forfeiture proceedings.
- Successfully obtained a public baywalk on The Flamingo and Waverly properties.
- Successfully resolved an insurance claim against Worker's Compensation excess insurance carrier resulting in a \$1.3 million recovery.
- Secured a settlement of the La Gorce litigation ending years of hostility and controversy between the country club and its neighbors.
- Drafted numerous high profile ordinances and resolutions which often served as models for other municipalities.
- Successfully defended numerous high exposure personal injury claims, and numerous employment, civil rights, and police cases.
- Prepared Interlocal and First Amendment between CMB and School Board for Improvements along Prairie Avenue and Dade Boulevard as part of the Miami Beach Sr. H.S. Expansion Project), and successfully collected \$215,074 from School Board.
- Negotiated and drafted documents pertaining to settlement of disputes on following projects: Flamingo Park and South Pointe Row Projects, Normandy close-out issues, Horizon Construction, Rolling Shield and Tower Group.
- Sunset Harbor Garage Project – finalized Second Closing (completing City's site acquisition for proposed garage project), and executed construction contract and funding agreement.
- Completed Purchase and Sale Agreement and Development Agreement between CMB and Miami Beach Housing Authority (HACMB) for acquisition of perpetual non-revocable easement for design and construction of West Avenue/17th Street Bridge access (in conjunction with HACMB'S development of affordable elderly housing project).
- Drafted Recycling Ordinance, providing mandatory recycling requirements for commercial and multifamily establishments in the City.
- Drafted City's proposed language for amendment to Convention Development Tax Act (F.S. 212.0305), requiring that a proposed additional 1% assessment of the tax be allocated exclusively toward improvement to, and/or maintenance of, the Miami Beach Convention Center.
- Successfully defended against challenge to ordinance approving westward expansion of Flamingo Park Historic District, 600 and 700 blocks of Alton Road.
- Successfully obtained \$212,500 from Monticello Insurance Co. for its wrongful refusal to defend and indemnify the City regarding the double drowning deaths in the Breaux litigation.
- KTKL - successfully resolved years of expensive litigation by modifying the Settlement Agreement minimizing the City's exposure to future litigation.
- Secured a Special Master award of \$2.7 million against Museum Walk Properties.
- Secured a \$600,000 settlement in collection efforts against Eden Roc Hotel for use of city property during its restoration.
- Settled Sunrise Plaza dispute with Continuum developer.



Department Name: Office of the City Attorney

Fiscal Year: 2011/12

Date Prepared/Updated: 02-24-11 /03-31-11

Critical Success Factors:

- Closer working relationships with the Administration in personnel and labor areas, construction, procurement, and growth management.

Future Outlook:

While it is difficult to predict the legal landscape of the City in the years ahead, the City Attorney's Office understands that changes are inevitable, and that its staff must respond to those changes competently and efficiently. To that end, all attorneys are expected to keep current on legal developments, be multi-tasked, and be prepared to deal with new legal issues as they arise. Attorneys are encouraged to work closely with the Administration in a collaborative spirit so that the policy directions of the elected officials are properly and promptly implemented.



Department Name: Office of the City Attorney

Fiscal Year: 2011/12

Date Prepared/Updated: 02-24-11 /03-31-11

Miami Beach Strategic Planning Framework

The Department Work Plan is aligned with Citywide strategic outcomes and initiatives established through extensive community input. The City's strategic planning process provides a framework at a broad level of where we want to go, how we get there, and how we measure our progress along the way. The process ensures increased communications at all levels of City government using consistent terms.

- Our Citywide **Vision** communicates the community's shared vision for the best possible future for the City of Miami Beach:
Cleaner and Safer, Beautiful and Vibrant, A Unique Urban and Historic Environment, A Mature, Stable, Residential Community with Well-Improved Infrastructure, A Cultural, Entertainment Tourism Capital and an International Center for Innovation and Business, While Maximizing Value to Our Community for the Tax Dollars Paid
- Our Citywide **Mission** statement communicates the role of our government in achieving this vision:
We are committed to providing excellent public services and safety to all who live, work, and play in our vibrant, tropical, historic community
- Our **Values** communicate to all levels of our organization the manner in which we expect all decisions, interactions and activities to be performed:
*We maintain the City of Miami Beach as a world-class city.
We work as a cooperative team of well-trained professionals.
We serve the public with dignity and respect.
We conduct the business of the City with honesty, integrity, and dedication.
We are ambassadors of good will to our residents, visitors, and the business community*
- Our **Identified Priorities** communicate activities that are essential to help us achieve our vision:
Capital Improvement Program, Strategic Planning and Economic Development, Organizational Development, Neighborhood Services, and Investment in Technology
- We have developed **Key Intended Outcomes** across all City Departments. These are the results the City plans to achieve towards accomplishing its Vision. These outcomes are from the customer/community perspective (e.g. quality of service provided, customer satisfaction).
- **Key Performance Indicators (KPI)** express the City's Key Intended Outcomes in measurable terms. Departments monitor additional performance indicators (*Department Performance Indicators*) that support these Citywide Key Performance Indicators.
- **Initiatives** are undertaken to drive the performance level for a key performance indicator.